

REMARKS

Applicant thanks the Examiner for the withdrawal of the objections and rejections set forth in the earlier Office Action. By this amendment, claims 13 and 67 have been amended. Claims 13, 14, 67, and 68 remain for consideration in the application.

"From Previous Office Action"

The Examiner states that the amendment filed June 24, 2002 is objected to under 35 U.S.C. §132 because it introduces new matter into the disclosure. Applicant respectfully submits that the claim language objected to is clearly supported in the specification, and requests reconsideration of the objection.

Claim 13 and 14 were rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, as previously applied.

Specifically, the Office Action asserts that the top capacitor plate 24C is “vertically descent over the first bottom capacitor plate 20, one on the left, also vertically descent over the second bottom capacitor plate 20, one on the right, and also vertically descent over the third bottom capacitor plate 20, out side of the drawing on the right.” However, the original claim language specifically recites “does not vertically descend between the first, second and third bottom capacitor plates *and the contact*” (emphasis added). The language of the claim must be interpreted in its entirety. The recitation of the claim is that the top capacitor plate does not descend between any of the bottom plates and the contact. Referring to the text and to Figure 8A, it is clearly seen that the top capacitor plate extends horizontally, and does not vertically descend, between any of the bottom capacitor plates *and the contact*, as is recited in the claim. In the interests of clarifying the language, Applicant has amended the claim to recite “does not vertically descend between each of the first, second and third bottom

capacitor plates and the contact.” Applicant respectfully submits that the claim is in condition for allowance.

Claims 13, 14, 67 and 68 were rejected under 35 U.S.C. § 103(a) for being unpatentable over Becker (U. S. Patent No. 5,770,498) as previously applied. Given the amendment of claim 13, the language of claim 13 is clearly supported by the specification, and Applicant’s arguments with respect to claim 13 as presented in the response to Office Action dated December 20, 2002, should be reconsidered, and are therefore incorporated herein in their entirety. Claim 14 depends from and further defines patentably distinct claim 13 and is also believed allowable.

Claim 67 has been amended to clearly recite that the second and the third bottom electrodes have capacitive coupling on only the exterior portions thereof that are in the trench. This is clearly different from the structure shown in Figure 10 of Becker, which shows top electrode 50 extending into the contact area. Applicant submits that claim 67 as amended is allowable.

Applicant strongly traverses the continued rejection of claim 68. Figure 10 clearly shows that the top electrode 50 extends vertically downward between the contact 54 and the bottom electrodes 44 of each of the left and right shown containers. The Office Action asserts that “the presence of the insulation region (36) surrounding the contact (54) clearly prevent the top electrode (50) from downwardly extending between the bit line contact (54) and the first and second bottom electrodes (44). Clearly the insulation region (36) has prevent the top electrode from downwardly extending.” Applicant is at a loss as to how this assertion can be made. Simply looking at Figure 10 reveals that there is no possible way to argue that the top electrode 50 (identified by number in Figure 8) does not extend downwardly between the contact 54 and the bottom electrodes 44. There is a section of the top electrode 50 extending vertically downward between the electrode 44 and the contact 54 of each of the left and the right containers. Further, the text of Becker also confirms this, at col. 5, ll. 57-63, stating in part: “polysilicon layer 48, commonly referred to as the cell poly, **is deposited over the structure previously formed**” (emphasis added). In contrast, claim 68 clearly recites “wherein the bit line contact insulation region prevents the top electrode from downwardly

extending between the bit line contact and the first and second bottom electrodes." This is clearly not the case in Becker, as has been shown. Applicant respectfully submits that claim 68 is in condition for allowance.

CONCLUSION

Applicant believes that all of the claims are facially in condition for allowance, and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned attorney at direct dial (612) 312-2203.

Respectfully submitted,

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